



OFFICE OF THE  
**BOARD OF APPEALS**  
TOWN OF DUNSTABLE  
TOWN HALL  
511 MAIN STREET  
DUNSTABLE, MA 01827-1313

Approved  
July 10, 2008

**Phelan Hearing Minutes**  
**May 29, 2008**

Members Present: Wesley Goss - Chairperson  
Judy Thompson, Member  
Alice Ekstrom, Member  
Leo Tometich, Member  
Lisa O'Connell, Recording Secretary and Associate Member

Members Absent: Josh West, Member and Clerk  
Al Horton, Associate Member

Petitioners Present: Timothy & Jean Phelan, 174 Lowell Street, Dunstable

This meeting's intent is to file a decision with the Town Clerk regarding the application submitted by Timothy & Jean Phelan, owners of 174 Lowell Street, Dunstable, MA for a special permit to add an in-law apartment to an existing residential structure. Refer to section 6.2 (g) of the Dunstable Zoning By-laws.

Wes Goss called the meeting to order at 7:09 p.m., introduced the Board members and explained the hearing procedure. Lisa O'Connell read the hearing notice for the record. Mr. Goss informed the petitioner that this was a straight forward hearing and asked the petitioner to present their case.

Mr. Phelan said that they had gone before the Board of Health and their septic system needs to be redesigned. It was built 1 ½ years ago. Their plans to add on are within the 150 foot building circle. He presented a copy of the plot plan showing the proposed addition.

Wes Goss said that the hearing process for a special permit for an in-law apartment is a fairly simple one.

Lisa O'Connell asked where Lowell Street was on the plot plan.

Jean Phelan indicated the area and said that it was a common drive to the street and that they had 200 feet frontage.

Wes Goss asked if the Board had any more questions and there were none.

Wes asked the petitioner the following questions:

Does the apartment have a separate kitchen?

Timothy Phelan answered, yes.

Does the apartment have separate interior bath and toilet facilities?

Timothy Phelan answered, yes.

Does the apartment have an adequate heating system?

Timothy Phelan answered, yes; it has its own system.

The relation of the in-law apartment occupants to the occupants of the principle residents must be by blood or marriage.

Timothy Phelan answered; his mother and father will live there a few months out of the year.

The owners of the principle residence are, or will remain, principle residents as long as the related occupants of the in-law apartment are in residence.

Timothy Phelan answered, yes; he and his wife are the principle residents.

Will there be a separate entrance to the in-law apartment from the outside?

Timothy Phelan answered, yes.

The outside appearance of the premises shall remain that of a single family residence.

Timothy Phelan answered, yes, it does.

The Board requires written evidence from the Board of Health of approval verifying the adequacy of a water supply for both drinking and sewage disposal.

Timothy Phelan answered that they are in the process of working with the Board of Health to redesign their system.

Are all turnaround and parking areas provided on the lot?

Timothy Phelan answered, yes.

Wes Goss informed the applicants:

The number of occupants for the in-law apartment cannot exceed three (3) people.

The use and occupancy of any such apartment other than is authorized by the board shall be grounds for revocation of any permit granted.

The permit must be acted upon within two (2) years of approval.

The special permit does not transfer with the sale of the house and property for which it may be granted.

The applicant must file this special permit with the registry of deeds and provide proof thereof to the Town Clerk of Dunstable.

An appeal of the Board's decision may be made within twenty (20) days after the date of filing of a Notice of Decision in the office of the Town Clerk.

Alice Ekstrom motioned to vote to grant or deny a special permit for an in-law apartment added to an existing residential structure to the petitioners, Timothy and Jean Phelan at 174 Lowell Street. Judy Thompson seconded the motion and Lisa O'Connell called the roll:

Wesley Goss – to grant  
Leo Tometich – to grant  
Judy Thompson – to grant  
Alice Ekstrom – to grant

Wes Goss asked for Lisa O'Connell's vote:

Lisa O'Connell – to grant

The vote to grant the special permit was unanimous.

Leo Tometich motioned to close the hearing. Alice Ekstrom seconded the motion and all were in favor. The hearing was closed at 7:21 p.m.